APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,971	05/08/2001	Linda Ann Roberts	BS00-338	1307

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EXAMINER
SING, SIMON P

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		09/849,971	ROBERTS ET AL.
		Examiner	Art Unit
		Simon Sing	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 April 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-9,11-16 and 18-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4-9,11-16 and 18-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 50621

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1,2, 4-9, 11-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Epler et al. US Patent No. 5,825,867in view of Leung et al. US

6,005,870 and further in view of Farris et al. US 6,704,405.

1.1   Regarding claim 1, Epler discloses a method of enhanced call waiting. Epler

teaches:

associating a plurality of VIP (priority) codes with a subscriber's telephone

number, wherein a VIP code is a calling party's identification (CPID) (column 11, lines

55-63), and based on the CPID entered by a caller 12 (figure 1) during a call in call

waiting (column 4, lines 43-47; column 5, lines 32-36; column 14, lines 16-30), one of a

plurality of distinctive rings (priority alert signals) is generated to alert the subscriber,

indicating the level of urgency or importance of the call (column 6, lines 13-30); and

establishing communication between caller 12 and subscriber (called party 10) if

the subscriber so desires (column 1, lines 26-38).

In short, Epler teaches a plurality of VIP codes (CPIDs), each associated with one of a plurality of distinctive rings, generated by using a different telephone number of the called telephone line, for indicating one of a plurality of urgency levels (column 6, lines 13-30). Epler also teaches that each calling party is assigned with a VIP code (column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling party and playing priority alert signals to the telephone number dialed by the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

In addition, Farris discloses a personal dial tone service with personalized call waiting. Farris teaches generating distinctive tones for different subscribers using the same telephone number (column 8, lines 17-19), and the distinctive tones, generated by a digital service unit in a interface module 51, are also used in call waiting (column 17, lines 35-41; column 18, lines 12-18, 42-50; column 47, lines 65-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teachings of Leung and Farris, so that a calling party would have been pre-provided more than one code, such as a group access code, an emergency code and a VIP code (PIN), to identify himself or a priority level, and each code would have been associated with a distinctive

call waiting alerting signal, generated from a tone generator, for indicating a priority

(urgency) level, because such a modification would have given a calling party a choice

to indicate the urgency level of a call and not to tie up scarce network resources

(telephone numbers).

1.2   Regarding claim 2, the modified Epler's reference, the VIP code (or PIN) is

unique to a caller (column 11, lines 55-63).

1.3   Regarding claim 4, Epler teaches that a call waiting alerting signal can be a

regular call waiting tone (column 5, lines 56-60).

1.4   Regarding claims 5 and 6, Epler teaches prompting caller 12 to leave a message

if no VIP code is entered, or a VIP code entered does not match (column 5, lines 39-42;

column 14, lines 23-28).

1.5   Regarding claim 7, Epler discloses a method of enhanced call waiting. Epler

teaches:

        associating a plurality of VIP codes (priority codes) with a called telephone

number (column 11, lines 55-63), wherein each VIP code is entered by a calling party

as the calling party's identification (CPID), and each VIP code is associated with a

different distinctive call waiting tone (priority alert signal) at a called party's telephone to

indicate the level of urgency or importance (priority level) (column 6, lines 13-30);

assigning a priority level alert signal to each of the plurality of VIP codes (column 6, lines 13-30);

providing a VIP code to a calling party based on a desired priority level for the calling party (column 11, lines 55-63; column 6, lines 13-28);

receiving a telephone call from caller 12 while called party 10 is engaged in another call (column 4, lines 43-47);

prompting and receiving a VIP code from caller 12 (column 5, lines 32-36; column 14, lines 16-30);

determining whether the VIP code received matches a VIP code stored in a database (column 14, lines 16-30);

alerting the called party with a distinctive call waiting tone, indication the level of urgency (column 6, lines 13-28), if a VIP code entered is valid (column 14, lines 16-30; column 5, lines 33-60);

connecting caller 12 to a voice messaging system if the VIP code entered does not match (column 14, lines 23-29); and

establishing communication between caller 12 and called party 10 if called party 10 so desires (column 1, lines 26-38).

Epler teaches a plurality of VIP codes (CPIDs), each associated with a calling party (column 11, lines 55-63), and playing a plurality of distinctive ringing tones by dialing different telephone numbers associated with the telephone line connected to the called telephone. Epler fails to teach pre-providing multiple codes to a calling party and playing priority alert signals to the telephone number dialed by the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-

providing multiple codes, such as a group access code (member of a group), PIN and

emergency code to a caller, so that the caller may enter one of the codes to identify

himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung

also teaches different group codes for different groups (classes) (column 5, lines 66-67;

column 6, lines 1-2).

In addition, Farris discloses a personal dial tone service with personalized call

waiting. Farris teaches generating distinctive tones for different subscribers using the

same telephone number (column 8, lines 17-19), and the distinctive tones, generated by

a digital service unit in a interface module 51, are also used in call waiting (column 17,

lines 35-41; column 18, lines 12-18, 42-50; column 47, lines 65-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the Epler's reference with the teachings of Leung

and Farris, so that a calling party would have been pre-provided more than one code,

such as a group access code, an emergency code and a VIP code (PIN), to identify

himself or a priority level, and each code would have been associated with a distinctive

call waiting alerting signal, generated from a tone generator, for indicating a priority

(urgency) level, because such a modification would have given a calling party a choice

to indicate the urgency level of a call and not to tie up scarce network resources

(telephone numbers).

1.6   Regarding claim 8, the modified Epler's reference, teaches that each distinctive

call waiting tone is unique to the calling party as discussed in claim 7.

1.7   Regarding claim 9, the modified Epler's reference, teaches assigning different

number of codes to different callers (Leung; column 5, lines 30-32).

1.8   Regarding claim 11, Epler discloses a system of enhanced call waiting in figure

1, comprising:

        a switch 20 in communication with a telephone line (column 3, lines 17-23),

wherein the switch is configured to detect incoming calls intended for user 10 who is

already engaged in a first communication with another caller (column 4, lines 43-45);

        a processor (computer 56) in communication with the switch, wherein the

processor is configured to review information associated with user 10 (column 3, lines

33-36; column 4, lines 37-55) to determine whether user 10 is a subscriber of the

enhanced call waiting subscriber (column 5, lines 32-35);

wherein the processor receives a query from the switch and identifies that user 10 is a

subscriber of the system, then instruct the switch to solicit a VIP code from caller 12

(column 5, lines 35-39; column 14, lines 16-30);

        wherein the processor instructs the switch to interrupt the first communication

with a priority alert signal if the VIP code provided by caller 12 matches one of a plurality

of VIP codes stored in database 55, wherein each of the plurality VIP codes is a calling

party's identification (CPID) entered by the calling party, and is further associated with a

different distinctive call waiting tone (priority alert signal) at a called party's telephone to indicate the level of urgency or importance (priority level) (column 5, lines 42-54; column 6, lines 13-28); and

wherein the switch establishes communication between caller 12 and user 10 if user 10 so desires (column 1, lines 26-38).

Epler teaches a plurality of VIP codes (CPIDs), each associated with a calling party (column 11, lines 55-63), and playing a plurality of distinctive ringing tones by dialing different telephone numbers associated with the telephone line connected to the called telephone. Epler fails to teach pre-providing multiple codes to a calling party and playing priority alert signals to the telephone number dialed by the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

In addition, Farris discloses a personal dial tone service with personalized call waiting. Farris teaches generating distinctive tones for different subscribers using the same telephone number (column 8, lines 17-19), and the distinctive tones, generated by a digital service unit in a interface module 51, are also used in call waiting (column 17, lines 35-41; column 18, lines 12-18, 42-50; column 47, lines 65-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teachings of Leung and Farris, so that a calling party would have been pre-provided more than one code, such as a group access code, an emergency code and a VIP code (PIN), to identify himself or a priority level, and each code would have been associated with a distinctive call waiting alerting signal, generated from a tone generator, for indicating a priority (urgency) level, because such a modification would have given a calling party a choice to indicate the urgency level of a call and not to tie up scarce network resources (telephone numbers).

1.9   Regarding claim 12, Epler teaches that switch 20 is provisioned with a trigger for causing a call waiting lone (column 5, lines 42-50, 56-60).

1.10   Regarding claim 13, Epler teaches a 5ESS switch at a central office (column 5, lines 47-50). Since 5ESS is an Advanced Intelligent Network (AIN) and inherently, switch 20 is a service switching point (SSP) and call processing facility 50 is located in a service control point (SCP).

1.11   Regarding claim 14, Epler teaches that a call waiting alerting signal cab be a regular call waiting tone (column 5, lines 56-60).

1.12   Regarding claims 15 and 20, Epler discloses a method of enhanced call waiting.

Epler teaches:

associating a plurality of VIP (priority) codes with a subscriber's telephone

number, wherein a VIP code is a calling party's identification (CPID) (column 11, lines

55-63), and based on the CPID entered by a caller 12 (figure 1) during a call in call

waiting (column 4, lines 43-47; column 5, lines 32-36; column 14, lines 16-30), one of a

plurality of distinctive rings (priority alert signals) is generated to alert the subscriber

(who is communicating with another party over the telephone), indicating the level of

urgency or importance of the call (column 6, lines 13-30).

In short, Epler teaches a plurality of VIP codes (CPIDs), each associated with

one of a plurality of distinctive rings, generated by using a different telephone number of

the called telephone line, for indicating one of a plurality of urgency levels (column 6,

lines 13-30). Epler also teaches that each calling party is assigned with a VIP code

(column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling

party and playing priority alert signals to the telephone number dialed by the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches

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column 6, lines 1-2).

In addition, Farris discloses a personal dial tone service with personalized call waiting. Farris teaches generating distinctive tones for different subscribers using the same telephone number (column 8, lines 17-19), and the distinctive tones, generated by a digital service unit in a interface module 51, are also used in call waiting (column 17, lines 35-41; column 18, lines 12-18, 42-50; column 47, lines 65-66).

1.13   Regarding claims 16 and 23, Epler teaches establishing communication between a caller and a subscriber (called party) if the subscriber so desires (column 1, lines 26-38).

1.14   Regarding claims 18 and 21, Epler teaches that each VIP code is unique to the calling party (column 11, lines 55-63).

1.15   Regarding claim 19, Epler teaches determining whether the VIP code received matches one of the VIP codes stored in a database (column 14, lines 16-30);

1.16   Regarding claim 22, the modified Epler's reference, teaches assigning different number of codes to different callers (Leung; column 5, lines 30-32).

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 2, 4-9, 11-16 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (571-273-8300 after 7/15/2005). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

S. Sing

05/24/2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600